

From: Jim Smilanich
To: Microsoft ATR
Date: 1/9/02 2:42pm
Subject: I oppose the current settlement deal

Sirs;

I have worked for US Bank for 6 years in the Network department as a network architect. Before that, I worked for Merrill Corporation for 7 years as the lead network designer and network management specialist. During most of that period I have supported and used Microsoft products in a wide variety of ways. I have also had the opportunity to compare and contrast them to Microsoft's competition.

I regard myself as about as hardcore a free market advocate as there can be. I believe, however, that a free market works only when all involved in it do so from an ethical viewpoint that embraces fair play. It is my contention that Microsoft's management has no conception of anything that even remotely resembles an ethical viewpoint.

During my entire career in IT, I've watched with dismay as Microsoft eliminated one competitor after another in one market segment after another. In my experience, the finding of fact barely scratched the surface of the damage that Microsoft has done to the computer industry over the years. They did not do this by the quality of their product or by competing head to head. As the trial demonstrated quite clearly, they did so by arm twisting PC vendors, buying up the competition, predatory pricing tactics, and on and on and on.

Microsoft has almost gleefully gone back to their old ways since the proposed settlement was announced. Brian Valentine's leaked emails (<http://www.theregister.co.uk/content/4/23518.html>) urging his sales force to spy on their customer base, their manipulation of a ZDNet Java vs. .Net poll (<http://news.zdnet.co.uk/story/0,,t269-s2102244,00.html>), Microsoft's announced pricing and licensing changes, and other stories all point to a monopolist company with absolutely no fear of the Federal government. None of the news that I have read since the original finding of fact shows any remorse over their actions. None of it even demonstrates an awareness that the company has been convicted of a crime!

Please, take the high road. Find a punishment that fits the crime. The wholesale destruction of dozens of companies and market segments deserves a harsh and swift response.

Thank you for your time,

Jim Smilanich

